

Senate Bill No. 1235

Passed the Senate August 31, 2012

Secretary of the Senate

Passed the Assembly August 27, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 48911.2 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1235, Steinberg. Pupils: suspension.

Existing law prohibits the suspension, or recommendation for expulsion, of a pupil from school unless the school district superintendent or the school principal determines that the pupil has committed any of various specified acts. Existing law requires the school district superintendent or the school principal to immediately suspend and recommend the expulsion of a pupil who is determined to have, at school or at a school activity off school grounds, possessed, sold, or otherwise furnished a firearm, brandished a knife at another person, unlawfully sold a controlled substance, committed or attempted to commit a sexual assault or battery, as defined, or possessed an explosive.

Existing law states that a school should consider implementing a supervised suspension program or an alternative to the school's off-campus suspension program that involves a progressive discipline approach using specified activities if the number of pupils suspended from school during the prior school year exceeded 30% of the school's enrollment.

This bill would instead encourage a school district, commencing with the 2014–15 school year, to implement, for a minimum of 3 years, at a school where the number of pupils receiving off-campus suspensions in the prior school year exceeded 25% of its total enrollment, or exceeded 25% of a numerically significant pupil subgroup of that enrollment, as defined, either (A) an evidence-based system of schoolwide positive behavioral interventions and supports that employs school-level information about the behavioral and academic history of pupils to define and implement systems of support and interventions at the school, classroom, and individual levels that is aimed at improving the social, emotional, and academic success for all pupils, or (B) other schoolwide strategies that are evidence based and designed to address school climate in order to create learning environments

where teachers can teach and pupils can learn and to reduce suspensions from classrooms and the school. The bill would require the Superintendent of Public Instruction to invite a school that meets or exceeds this threshold percentage of suspensions to attend a regional forum organized by the Superintendent to provide assistance and training regarding the strategies described above, among other things. Commencing with the 2015–16 school year, the bill would decrease the percentage of enrollment or numerically significant pupil subgroup of enrollment that triggers an invitation to attend a regional forum each school year until that percentage is 15% for the 2018–19 school year, in accordance with a prescribed schedule.

The bill would require the Superintendent annually from the 2014–15 to the 2018–19 school year, inclusive, to notify each local educational agency that contains at least one school that exceeds the specified thresholds and provide technical assistance as requested; to invite the schools that meet or exceed the specified thresholds applicable to suspensions to send a school leadership team to a regional forum, with a goal of serving no fewer than 100 schools per school year; prioritize invitations to schools with the highest rates of off-campus suspensions; and to provide the State Board of Education with the names of the schools invited to attend a regional forum and the annual rate of reduction or increase in each school's off-campus suspensions. These requirements would be contingent upon the availability of funds, as specified.

The bill would authorize the State Department of Education to provide school districts with information regarding schoolwide evidence-based strategies that could be implemented.

The people of the State of California do enact as follows:

SECTION 1. Section 48911.2 of the Education Code is amended to read:

48911.2. (a) (1) Commencing with the 2014–15 school year and each school year thereafter, if the number of pupils receiving off-campus suspensions from school during the prior school year exceeded 25 percent of the school's total enrollment or exceeded 25 percent of any numerically significant pupil subgroup of the school's enrollment, the school district is encouraged to implement, for a minimum of three years, at least one of the following

strategies at the school for the purpose of reducing the suspension rate or disproportionality:

(A) An evidence-based system of schoolwide positive behavioral interventions and supports that employs school-level information about the behavioral and academic history of pupils to define and implement systems of support and interventions at the school, classroom, and individual levels that is aimed at improving the social, emotional, and academic success for all pupils.

(B) Other schoolwide strategies that are evidence based and designed to address school climate in order to create learning environments where teachers can teach and pupils can learn and to reduce suspensions from classrooms and the school. The department may provide information regarding additional schoolwide strategies that meet the criteria for evidence-based strategies.

(2) The Superintendent shall invite a school to which this subdivision applies to send a school leadership team to an annual regional forum, as described in subdivision (c).

(b) (1) Commencing with the 2015–16 school year, if the number of pupils receiving off-campus suspensions exceeds the percentage of a school’s total enrollment, or exceeds the percentage of any numerically significant pupil subgroup of a school’s enrollment as set forth in paragraph (2), the Superintendent shall invite the school to send a school leadership team to an annual regional forum, as described in subdivision (c).

(2) (A) Twenty-three percent for the 2015–16 school year.

(B) Twenty-one percent for the 2016–17 school year.

(C) Nineteen percent for the 2017–18 school year.

(D) Fifteen percent for the 2018–19 school year.

(c) (1) For the 2014–15, 2015–16, 2016–17, 2017–18, and 2018–19 school years, inclusive, the Superintendent shall provide technical assistance and training at no more than three annual regional forums each year for schools that exceed the thresholds described in subdivisions (a) and (b). The purposes of the regional forums shall include, but not be limited to, all of the following:

(A) Providing training regarding implementation of schoolwide evidence-based strategies described in subdivision (a).

(B) Using data to create positive school climates and to assist with data-based decisionmaking.

(C) Sharing resources and evidence-based practices, engaging community, and building capacity for alternatives to off-campus suspensions.

(D) Identifying gaps and weaknesses in services.

(E) Identifying and sharing solutions and best practices at the local level and exposing schools to other school leaders, experts, and educators in California and nationally who are successfully implementing the evidence-based strategies described in subdivision (a).

(F) Evaluating the efficacy of strategies adopted.

(2) On an annual basis, the Superintendent shall do all of the following:

(A) Notify each local educational agency that contains a school or schools that exceed the thresholds in subdivisions (a) and (b) and provide technical assistance as requested to those schools.

(B) Invite schools that exceed the thresholds in subdivisions (a) and (b) to send a school leadership team that includes the school principal and other administrators responsible for implementing alternatives to excessive suspensions to the applicable regional forum, with a goal of serving no fewer than 100 schools per school year.

(C) Prioritize invitations to schools with the highest rates of off-campus suspensions.

(D) The Superintendent shall annually provide to the state board the names of the schools that exceed the thresholds in subdivisions (a) and (b), the names of those schools invited to attend a regional forum, and the annual rate of reduction or increase in each school's off-campus suspensions.

(3) For schools that exceed the thresholds in subdivisions (a) and (b), the department also shall provide technical assistance regarding implementation of the schoolwide evidence-based strategies described in subdivision (a).

(4) The requirements of this subdivision are contingent upon the availability of funds. The Superintendent may use any appropriate state, federal, or private funding sources to support the activities described in this subdivision, and shall seek private funding to supplement any state or federal funds made available for this purpose.

(d) It is the intent of the Legislature to encourage all schools to examine alternatives to off-campus suspensions that lead to

resolution of pupil misconduct without sending pupils off campus and to address disproportionate rates of off-campus and in-school suspensions. Schools that use strategies described in this section should not be precluded from suspending pupils to an off-campus site.

(e) A school district may use any appropriate state, federal, or private funding sources to support the evidence-based schoolwide strategies required to be implemented at schools that meet the criteria described in subdivisions (a) and (b).

(f) (1) For purposes of this section, a numerically significant pupil subgroup includes the subgroups listed in paragraph (2), consistent with paragraph (2) of subdivision (a) of Section 52052, and that meet at least one of the following criteria:

(A) The subgroup consists of at least 100 pupils enrolled at the school.

(B) The subgroup consists of at least 50 pupils, and constitutes at least 15 percent of the total population of pupils enrolled at the school.

(2) (A) Racial and ethnic subgroups.

(B) Socioeconomically disadvantaged pupils.

(C) English learners.

(D) Pupils with disabilities.

(E) Gender-based subgroups.

Approved _____, 2012

Governor